

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No.14mj2949 JLB-AJB
Plaintiff,)	
v.)	ORDER DENYING AND
JUAN CARLOS CASTELO-)	DISMISSING APPEAL FOR WANT
ARMIENTA,)	OF JURISDICTION
Defendant.)	

The defendant in this case was arrested and brought before the Court in the Southern District of California on a warrant issued by the Western District of Oklahoma in case M-13-428.

On September 11, 2014, the defendant appeared before Magistrate Judge Jill L. Burkhardt for proceedings under Fed. R. Crim. P. 5(c)(3). Judge Burkhardt ordered the defendant removed to the Western District of Oklahoma and stayed issuance of the Warrant of Removal to allow this Appeal.


There is no jurisdiction for direct appeal of a district court's commitment order within the district of arrest. *United States v. Rivero-Nunez*, 605 F.2d 152 (5th Cir. 1979). Fed. R. Crim. P. 58 is to no avail in this regard. The defendant may address all pertinent issues in the district where the charges are pending. Removal proceedings under the

1 federal rules place jurisdiction with the magistrate judge and review of removal orders by
2 a district judge would be a direct contradiction of congressional intent. *United States v.*
3 *Canada*, 440 F. Supp. 22, 24 (N.D. III 1977)¹. Given the stated purpose of the Magis-
4 trates Act, removal questions are of the type which Congress believed would be more
5 efficiently handled by magistrate judges. Expeditious resolution of removal questions
6 can only be guaranteed if the magistrate judges disposition is final. *United States v.*
7 *Sheriffs*, 64 F.R.D. 729 (E.D. Wis. 1974).

8 Based on the foregoing, this Court finds that it has no jurisdiction to hear defen-
9 dant's Appeal, and the Appeal is, therefore, denied and dismissed. Given the lack of
10 jurisdiction in this case, the Stay of the Removal Order is vacated and the Warrant of
11 Removal is now in full force and effect.

12 IT IS SO ORDERED.

13
14 DATED: September 22, 2014

15 
16 Hon. Anthony J. Battaglia
17 U.S. District Judge
18
19
20
21
22
23
24

25 ¹Generally a federal district court has the power to review decisions of its
26 magistrate judges. However, "in situations where by statute or valid court rule the
27 magistrate is empowered to make final disposition", the jurisdiction of the district court is
28 terminated *Bruno v. Hamilton*, 521 F. 2d 114, (8th Cir. 1975).